

**MISSOURI COURT OF APPEALS
WESTERN DISTRICT**

COMPLETE TITLE OF CASE:

SHIRLEY JONES,

Appellant

v.

RANDY JONES.

Respondent

DOCKET NUMBER WD78533

DATE: AUGUST 23, 2016

Appeal From:

Circuit Court of Pettis County, MO
The Honorable Robert M. Liston, Judge

Appellate Judges:

Division Four
Alok Ahuja, P.J., Anthony Rex Gabbert, James F. Kanatzar, JJ.

Attorneys:

Lee Reneau Elliott, Troy, MO,

Counsel for Appellant

Attorneys:

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Counsel for Respondent
Counsel for Respondent

MISSOURI APPELLATE COURT OPINION SUMMARY
MISSOURI COURT OF APPEALS, WESTERN DISTRICT

SHIRLEY JONES, Appellant, v.
RANDY JONES, Respondent

WD78533

Pettis County

Before Division Four Judges: Alok Ahuja, P.J., Anthony Rex Gabbert, James F. Kanatzar, JJ.

Shirley A. Jones (Shirley) appeals the circuit court's judgment in favor of Randy E. Jones (Randy) and Cassandra Cordes-Patton (Cassandra) on Shirley's First Amended Motion to Set Aside Conveyance of real property. Shirley contends the circuit court erred: (1) in declaring that a one-year statute of limitation barred her Section 454.525, RSMo 2000, action to set aside a fraudulent conveyance, arguing that Section 454.525 does not time-bar a claim as long as the person who took without consideration still holds title to the conveyed property; (2) in finding that Cassandra recorded the Indiana property deed after the decision in her Pike County dissolution, in that there is no evidence supporting that finding and the weight of the evidence demonstrates that the recordation took place more than two weeks prior to the dissolution judgment such that the conveyance was not done to effectuate the judgment and did not convert it to one with consideration, and; (3) in basing its judgment on a theory that consideration attached to Randy's transfer of the Indiana deed to Cassandra by subsequent acts because this theory was not raised in Cassandra's pleadings and was not tried by consent.

REVERSED AND REMANDED

Division Four holds:

1. The circuit court erred in concluding that Shirley's claim was not applicable to Section 454.525 and subject to the time constraints set forth therein as the statute is clear that any conveyance is voidable under the statute up until a good faith purchaser for value retains title to the property. As Cassandra, the original grantee of the property, continued to hold title when Shirley filed her petition to set the transfer aside, Shirley's claim was not time barred.
2. The circuit court's finding that Cassandra recorded the Indiana property deed after the decision in the Pike County dissolution, as well as other material factual findings by the court, were against the weight of the evidence, eliminating confidence in the court's conclusions related to those findings.

3. As we reverse the circuit court's judgment on other grounds, we need not address Shirley's contention that the court based its judgment on a theory not raised in the pleadings or at trial.

Opinion by Anthony Rex Gabbert, Judge

Date: August 23, 2016

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THIS SUMMARY IS UNOFFICIAL AND SHOULD NOT BE QUOTED OR CITED.
